

General Wolters a copy of this resolution; be it further

Resolved, That the Adjutant General of the State of Texas be hereby directed to designate and cause to be manufactured an appropriate gold medal, to be paid for from the general fund of that department, and to be presented to Brigadier General Wolters as an expression of the gratitude of this State for such faithful peace-time military service.

Signed—Hardy, Harman, Kennedy, Davis, Finlay, Conway, Mrs. Moore, Giles, Petsch, Ackerman, Pool, McDonald, Speck, Johnson of Dallam, Sherrill, Finn, Brooks, Gates, Enderby, Van Zandt, Harrison, Reid, Sinks, Baldwin, Holder, Avis, Quinn, Mankin, Harding, Sanders, Carpenter, Marks, Walters, Murphy, Mauritz, Mehl, Albritton, Tarwater, Bounds, Harper, Keeton, Johnson of Dimmit, Williams of Sabine, Richardson, Williams of Hardin, Olsen, Wiggs, DeWolfe, Farrar, Reader, Palmer, Graves of Williamson, Kayton, Hornaday, Adkins, McGill, Shaver, Beck, Barron, Young, Warwick, Bond, Veatch, Morse, McCombs, Dunlap, Barnett, West, Brice, Forbes, Pope of Nueces, Mullally, Acker, Rogers, Baker, Hines, Lee, Coltrin, Renfro, Johnson of Smith, Savage, Cox of Limestone, Kincaid, Justiss, Purl, Long of Houston, Bateman, Eickenroht, Gilbert, Stephens, Land, Patterson, Mrs. Negley, Rountree, Chastain, Shelton, Metcalfe, Cox of Lamar, Webb, Kemble, Keller, Hubbard, Johnson of Scurry, Jones, Storey, Hopkins, Hefley, Riley, Westbrook.

The resolution was read second time and was adopted.

COMMITTEE TO INVESTIGATE THE TRAVIS COUNTY COURT- HOUSE LEASE.

The Speaker announced the appointment of the following committee, in compliance with House concurrent resolution No. 2:

Messrs. Giles, Metcalfe, Sinks and Tarwater.

ADJOURNMENT.

On motion of Mr. Holder, the House, at 12 o'clock m., adjourned until 10 o'clock a. m. tomorrow.

SIXTH DAY.

(Tuesday, January 28, 1930.)

The House met at 10 o'clock a. m.,

pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Land.
Acker.	Lee.
Ackerman.	Long of Houston.
Adkins.	Long of Wichita.
Allred.	Loy.
Baker.	Magee.
Baldwin.	Mankin.
Barnett.	Marks.
Bateman.	Mauritz.
Beck.	Maynard.
Bond.	McCombs.
Bounds.	McDonald.
Bradley.	McGill.
Brice.	Mehl.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Moore.
Coltrin.	Morse.
Conway.	Mullally.
Cox of Lamar.	Murphy.
Cox of Limestone.	Negley.
Davis.	Olsen.
DeWolfe.	O'Neill.
Dunlap.	Palmer.
Enderby.	Patterson.
Eickenroht.	Pavlica.
Farrar.	Petsch.
Forbes.	Pool.
Fuchs.	Pope of Nueces.
Gates.	Prendergast.
Gilbert.	Purl.
Giles.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Graves of Erath.	Reid.
Hardy.	Renfro.
Harding.	Richardson.
Harman.	Riley.
Harper.	Rogers.
Harrison.	Rountree.
Heaton.	Sanders.
Hines.	Savage.
Hogg.	Shaver.
Holder.	Sherrill.
Hopkins.	Simmons.
Hubbard.	Sinks.
Johnson	Stephens.
of Dallam.	Stevenson.
Johnson	Storey.
of Dimmit.	Tarwater.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Jones.	Veatch.
Justiss.	Waddell.
Kayton.	Wallace.
Keeton.	Walters.
Keller.	Warwick.
Kemble.	Webb.
Kennedy.	Wiggs.
Kincaid.	Williams
King.	of Sabine.

Williams Young.
 of Hardin.
 Williams
 of Travis.

Absent.

Hefley. Montgomery.
 Hornaday. Nicholson.
 Kinnear. Thompson.
 Lemens.

Absent—Excused.

Albritton. Mosely.
 Anderson. Pope of Jones.
 Avis. Shelton.
 Duvall. Snelgrove.
 Ewing. Speck.
 Finn. Strong.
 Finlay. Tillotson.
 Jenkins. West.
 Kenyon. Westbrook.
 Martin. Woodruff.
 McKean.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Woodruff for today, on motion of Mr. DeWolfe.

Mr. Duvall for today, on motion of Mr. Patterson.

Mr. Shelton for today, on motion of Mr. Fuchs.

Mr. Tillotson for today, on motion of Mr. Chastain.

Mr. Westbrook and Mr. Martin for today and the balance of the week, on motion of Mr. Baldwin.

Mr. Avis for today, on motion of Mr. Veatch.

Mr. Speck for today, on motion of Mr. Brooks.

Mr. West for today and tomorrow, on motion of Mr. Richardson.

Mr. Mosely for today, on motion of Mr. Van Zandt.

The following members were granted leaves of absence on account of illness:

Mr. Strong for today and indefinitely, on motion of Mr. Ray.

Mr. Albritton for today, on motion of Mr. Webb.

Mr. Finn for today and the balance of the week, on motion of Mr. Sherrill.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Rountree, Mr. Purl and Mr. Keller:

H. B. No. 9, A bill to be entitled "An Act to amend Articles 2994, 3883, 3886, 3889, 3891, 3892, 3895, 3897, 3899, 3926, 3934, 7331 and 7332 of the Revised Civil Statutes of Texas for 1925, repealing Articles 3887, 3900, 3912 and 3932 of the Revised Civil Statutes of Texas for 1925 and all laws in conflict, all of said amended and repealed articles relative to fees and compensation of county officers, providing any unconstitutional parts of this act shall not affect the remainder, declaring an emergency, and providing said act shall become effective on January 1, 1931."

Referred to Committee on State Affairs.

By Mr. Harrison:

H. B. No. 10, A bill to be entitled "An Act to provide that the Texas Prison Board shall arrange for schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory instruction of illiterates; and hours of attendance that credit shall be given on sentence for attendance and instruction in such schools; that the chaplains shall be charged with the duty of organizing and supervising such schools; that instructors shall be prisoners as far as practicable and that Texas Prison Board shall make rules and regulations making effective the provisions of this act."

Referred to Committee on Penitentiaries.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Dougherty, secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
 January 27, 1930.

To the Members of the Forty-first Legislature:

In the message presented to you on last Tuesday, I made the statement: "No deficiency appropriations have been authorized by me since the last session of the Legislature." In preparing this message I had before me the statement of the Comptroller concerning the general revenue of the State. It made no reference to any deficiency appropriation, and since I did not recall authorizing any deficiency, I made the statement above quoted.

It has since come to my memory that the Highway Department made an application last October for a deficiency appropriation in the sum of one thousand two hundred sixty-seven dollars (\$1267). This application was approved as to form by the Attorney General's Department and was approved by me.

I understand that some difference of opinion existed between the Comptroller's Department and the Highway Department over the question of which item of the appropriation bill of the Highway Department should have asked to be supplemented by a deficiency. I assume, therefore, that the item never went into the accounts of the Comptroller's Department and for that reason was not mentioned in the statement to me, and it had escaped my memory. Therefore I want to correct the above quoted statement and ask that this be printed in your journals as a correction.

Respectfully submitted,

(Signed) DAN MOODY,
Governor.

TO PROVIDE MEDALS OF HONOR FOR CERTAIN SERVICE.

Mr. Gilbert offered the following resolution:

H. C. R. No. 10, To provide medals for patriotic service of National Guard members.

Whereas, The State of Texas has never authorized a medal for members of its National Guard for active State duty, or for any other service; and

Whereas, The security of our homes and the purity and permanency of our ideals and our institutions of free government depend upon the patriotism of our citizens in peace as in war; and

Whereas, Such a medal given by an appreciative State is an appropriate recognition of patriotic service and serves to encourage others to render such service; now, therefore, be it

Resolved, That an appropriate medal and ribbon be given to all officers and men of the Texas National Guard called into the active service of the State for a period of not less than five days, under the provisions of Articles 5778, 5830 and 5831, Texas Revised Civil Statutes, or any other provision of the Texas statutes now in force, or hereafter to be enacted, authorizing the Governor to call forth the National Guard for active military duty for the preservation of peace and order and the enforcement of the laws, be hereby authorized by the House

of Representatives, the Senate concurring, such medal and ribbon to be similar in size and material to those prescribed for Federal service by the War Department of the United States, but not to closely resemble any such medal or ribbon previously authorized for such Federal service. Be it further

Resolved, That the Adjutant General of the State of Texas be and hereby is directed to so design, cause to be manufactured and issue such medals and ribbons to all officers and men who have become entitled to them, under the provisions of this resolution, since November 11, 1918, or who may hereafter become entitled to them. Be it further

Resolved, That another State medal and ribbon be and hereby is authorized, under the conditions of design stated in the fourth paragraph above, to be issued by the Adjutant General to all officers and men of the Texas National Guard who have served in that force faithfully and honorably for a period of ten years, with an appropriate bar or other attachment for each succeeding period of five years of service.

Signed—Gilbert, Conway, Cox of Lamar, Coltrin, Heaton.

The resolution was read second time.
(Mr. Petsch in the chair.)

On motion of Mr. Purl, the resolution was referred to the Committee on Military Affairs.

TO EQUALIZE PRIVILEGES EXTENDED TO INMATES OF TEXAS PRISONS.

Mr. Kayton offered the following resolution:

Whereas, It has been brought to the attention of Legislators who visited the main penitentiary at Huntsville and the several farms of the Prison System that male prisoners in Texas are granted certain privileges which are deprived female prisoners; and

Whereas, In this day of equal rights for the sexes, such equality should extend even to the penal institutions of the State; therefore be it

Resolved, That the Texas Prison Board be instructed to grant the same privileges to female prisoners in Texas which it grants to male prisoners.

Signed—Kayton, Hefley, Reader, Baldwin, McCombs, Gates.

The resolution was read second time.

On motion of Mr. Wiggs, the resolution was referred to the Committee on Penitentiaries.

PROVIDING FOR PRE-SESSION WORK.

Mr. Holder offered the following resolution:

Whereas, It was necessary that certain work be done prior to the opening of the session of the Legislature in preparing the Hall and having other necessary preparations made; now, therefore, be it

Resolved, That the following officer and employe be allowed per diem for the number of days herein specified at the same salary as paid for like work during session:

Louise Snow Phinney, Chief Clerk, four days.

Lawrence Ledbetter, chief operator voting machine, four days.

Resolved, That these employes be paid out of the mileage and per diem fund of the House.

The resolution was read second time. (Speaker in the chair.)

Mr. Purl moved that the resolution be referred to the Committee on Contingent Expenses.

Mr. Holder moved to table the motion to refer, and the motion to table was lost.

Question then recurring on the motion by Mr. Purl, it prevailed.

TO PROVIDE NEWSPAPERS FOR INMATES OF TEXAS PRISONS.

Mr. Kayton offered the following resolution:

Whereas, It has been brought to the attention of Legislators who visited the main penitentiary at Huntsville and the several farms of the Prison System that daily, semi-weekly and weekly newspapers have been withheld from prisoners in Texas for about one year; and

Whereas, Through such news organs the prisoners in the main derive their knowledge of events in the world from which society has banned them; and

Whereas, What might be termed mental isolation is a barbaric treatment of prisoners, having more the nature of ancient and medieval punishment of the lawbreaker than of modern corrective treatment; therefore, be it

Resolved, That the Texas Prison Board be instructed to immediately make available to all prisoners with good records, confined in all of the State's penal institutions, such daily, semi-weekly and weekly newspapers as they might request; be it further

Resolved, That said Texas Prison Commission be given authority to with-

hold from such prisoners any single editions of such newspapers as may contain articles or reports of incidents which might have a demoralizing effect upon such prisoners.

Signed—Hefley, Kayton, Baldwin, Purl, McCombs.

The resolution was read second time.

On motion of Mr. Sherrill, the resolution was referred to the Committee on Penitentiaries.

TO PROVIDE FOR CONFECTIONERY IN STATE LAND OFFICE BUILDING.

Mr. Loy offered the following resolution:

H. C. R. No. 11, To provide for confectionery in Land Office building.

Be it resolved by the House of Representatives of the Forty-first Legislature of the State of Texas, the Senate concurring, That the Superintendent of Public Buildings and Grounds (or the Board of Control) be and is hereby authorized to permit Oscar Raines, who is a blind citizen of Texas, to erect, maintain and operate, without charge, a confectionery and cigar stand in the lobby on the ground floor of the State Land Office building, located in Austin, Texas.

The resolution was read second time.

Mr. Graves of Erath offered the following amendment to the resolution:

Amend the resolution by adding the name of A. F. Nicholas to be placed in the Capitol subject to the Board of Control.

Mr. Kayton moved to table the amendment.

Mr. Purl raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions had expired.

The Speaker sustained the point of order.

RELATIVE TO HIGHWAY COMMISSION POLICY OF CONSTRUCTING BUILDINGS.

The Speaker laid before the House, for consideration at this time, resolution heretofore offered by Mr. Ray relative to Highway Commission policy of constructing buildings, the resolution having been read second time on yesterday, with motion by Mr. Baldwin to refer the resolution to the Committee on State Affairs pending.

Mr. Kennedy moved to table the motion to refer the resolution.

Mr. Petsch raised a point of order on consideration of the resolution on the

ground that it contained the same subject matter as a resolution which had already been adversely reported by the Committee on State Affairs.

The Speaker sustained the point of order.

The Speaker laid before the House, for consideration at this time, the resolution offered by Mr. Hornaday relative to the Highway Commission policy of constructing buildings, the resolution having heretofore been read second time, with amendment by Mr. Loy, pending.

Mr. Ray offered the following substitute for the resolution:

Whereas, An Attorney General's opinion in answer to request to Highway Commission of July, 1929, makes no reference whatever to construction of office buildings in Tyler, Texas; and

Whereas, The Highway Commission of the State of Texas has constructed an office building in the city of Tyler without having authority for doing the same by any existing law; and

Whereas, The precedent of commissions constructing various buildings over Texas is likely to involve the State in expending enormous sums of money for purposes not anticipated by the Legislature or the taxpayers of Texas; and

Whereas, The policy for constructing buildings for various and sundry purposes could be indulged in by any department of the State that might deem it wise to do so; therefore, be it

Resolved by the House of Representatives of the State of Texas, That it be and in fact is the opinion of this body, and the House of Representatives does hereby declare to be its opinion, that the office building constructed by the Highway Commission and paid for out of highway funds in Tyler was constructed by the Highway Commission without authority by any existing law; and be it further

Resolved, That the House of Representatives of the State of Texas does so construe the meaning of the Attorney General's opinion rendered to the Highway Commission on request of the Highway Commission of 1929 to the effect that the Highway Commission had no authority in law cited by the Attorney General to contract for the construction of any building of any nature to be paid for out of the highway funds; and be it further

Resolved by the House of Representatives of the State of Texas, That all commissions and departments of State are hereby advised by the House of Representatives that in our opinion the buildings of any character whatever to

be paid for out of State funds must be authorized by an act of the Legislature of the State of Texas and that no official or commission now existing in Texas has authority to construct State buildings unless authorized by an act of the Texas Legislature.

Mr. Van Zandt raised the following point of order:

I raise the point of order that the consideration of adverse report on House resolution by Mr. Ray and amendments thereto and Mr. Ray's substitute resolution is out of order and is in violation of Rule 9, paragraph 4, shown on page 95 of the House Rules, which rule reads:

"A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing, they must be signed by the chairman or the chairman pro tem., and addressed to the Speaker and may contain a brief statement of the recommendations of the committee with reference to the measure reported. A complete list of reports, favorable or adverse, made by the committee shall be printed in the Journal. No minority report shall be considered, except when signed by two members of said committee, who were present when the vote was taken on said measure before the committee.

"The report of a minority of a committee on any bill may be submitted in the same general form as a minority report. The rule with reference to adverse minority reports appears as Section 7 of Rule XIX. If the majority report is unfavorable and a minority favorable report is not filed within two days, the Calendar Clerk shall file the bill away awaiting a motion to print. If the motion to print is carried, the bill shall be printed and shall be entitled to a place on the Calendar as if it had been reported favorably. If a motion to print is not made within ten days, the Calendar Clerk shall file the bill as dead.

"If a local bill is reported adversely, it shall be subject to the same rules as other bills reported adversely, except that it shall be placed on the Calendar if ordered not printed by the House."

Because said rule was passed subsequently to the establishment of all precedents in conflict thereto.

The Speaker stated that he would postpone further consideration of the resolution at this time in order that he

might reach a decision on the point of order.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 28, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

S. B. No. 4, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants who need not possess the qualifications provided for county attorneys; providing for the manner of appointments and payment of said assistants, and providing that said assistants may be appointed according to population, and declaring an emergency."

H. C. R. No. 12, Expressing gratitude of Legislature to Brigadier General Jacob F. Wolters for his military service to the State of Texas and providing for the award of an appropriate medal.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

APPOINTMENT OF TYPIST ANNOUNCED.

The Speaker announced the appointment of Gladys Farmer as typist.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 2, Relative to the appointment of Travis county courthouse site committee.

REPORT OF THE COMMITTEE TO INVESTIGATE FEES OF OFFICERS.

The Speaker laid before the House, for consideration at this time, the following report:

Report of Legislative Committee to Investigate Fee Officers.

To Hon. Dan Moody, Governor; Hon. Barry Miller, President of the Senate; Hon. W. S. Barron, Speaker of the House of Representatives, and Members of the Forty-first Legislature, Fourth Called Session:

We, the legislative committee appointed by authority of Senate concurrent resolution No. 20, passed by the Forty-first Legislature at its Second Called Session, respectfully submit this, our report, findings and recommendations.

Authority.

The resolution above mentioned provided that committee be appointed consisting of two members of the Senate to be appointed by the President of the Senate and three members of the House to be appointed by the Speaker of the House, for the purpose of making an investigation with reference to fees of officers in this State who are paid in fees, either in whole or in part, and to ascertain and report on the amounts earned by various officers paid on such basis and how much they retain out of fees of office or other compensation where they receive fees only in part. The resolution also provided that the committee shall make such investigation after the adjournment of the Second Called Session and make a report to the Legislature at its next session; that said report shall contain the information gathered by said committee, together with its findings and recommendations as to any measures that should be enacted by the Legislature in reference to same.

Your committee visited and held hearings at Fort Worth, Dallas, Greenville, Houston, San Antonio, Abilene, El Paso, Austin, Wichita Falls, Breckenridge, and other places. It procured information from various sources, including, among others, the officers themselves, who were placed under oath. The testimony of the various witnesses as taken is filed with the Secretary of State.

We find of greatest importance in connection with fees of office is the matter of keeping records of fees and making proper reports thereof. The public, the State, and the various counties are entitled to know how much the various officers are earning and this cannot be definitely known when no adequate records are kept and no proper reports made.

Record of Fees.

We find that under present laws of the State, officers are not required to make any full detailed accounting of the receipts of their offices. We are of the opinion that every officer should be required to make a detailed accounting, including proper and adequate records of all fees of office and moneys received

of every kind in connection with said office, and an itemized report of the same to be filed with the commissioners court, at stated intervals under oath, to be filed and a copy kept in the office of the county clerk so that any citizen will have an opportunity to see and ascertain the amount that any officer is earning from fees of office or otherwise.

Regular Audit.

Your committee is also firmly convinced that the books and accounts of all officers in reference to fees and compensation attached to their offices should be subject to a regular audit.

Officers' Compensation.

We find that in many counties in Texas certain county officers are drawing what, in our judgment, constitutes an unreasonable amount for their services. To illustrate, some of them under oath admitted drawing, during the past year, as much as twenty-two thousand dollars net for the year, which, in our judgment, is an unreasonable amount for a county officer to receive. We think that the amount any officer should receive should be limited, and were it not for the constitutional inhibition your committee would recommend that all county officials be placed on a salaried basis and the fee system be abolished, and proposed legislation will be offered covering these subjects at this session.

We find that some precinct officers in Texas are also drawing unreasonable salaries which should be limited along with the limitation placed on the fees of other officers above mentioned.

Trust Funds.

Under the law, there are certain trust funds which are placed in the hands of county and district clerks to be held for special purposes. In some counties there are as high as \$200,000 in daily balances, although the bond of the officer in charge of this fund is only \$5,000. Some county officials are placing this money in banks and drawing interest on daily balances and retaining the interest. An adequate bond should be required to protect these funds. The interest thus accrued should go to the fund itself or to the general fund of the county, and certainly not to the individual official.

Extra Compensation.

We have ascertained in our investigation that there is a practice in some

counties to allow certain officers compensation, in addition to the amount allowed by law, as extra salary for doing certain work, which, in our opinion, they are supposed to do under their regular salaries. To illustrate, some counties pay an auditor to act as purchasing agent. We think the law should be so that no official should draw any pay except that is actually allowed him by law and that the commissioners court should be debarred from allowing extra compensation for supposed extra service when the law has fixed compensation for the various officers.

All Fees Accountable.

Under the present statutes, as construed by the Supreme Court in a late decision, county officers in counties having a population of less than twenty-five thousand are not required to make an accounting of their fees of office. We are of the opinion that the law should be changed so all officers, regardless of the size or population of the county, should be compelled to account for all fees of office.

Delinquent Tax Fees.

Under the present law, also, there are a number of fees that do not have to be accounted for as fees of office in any county. By reason of this situation (particularly with reference to fees in delinquent tax collections) in certain instances, officers have made huge amounts and retained them as fees of office without having to account for the same. In other words, they can now retain certain of these fees over and above the maximum which the law has provided. We recommend that these laws should be repealed and the officers should account for all these fees regardless of their nature and despite the fact that they may be provided for in particular statutes or subjects.

Limited Compensation.

In other words, it is the opinion of your committee that officers should be required to account for all kinds of fees and compensation in every county in this State, and the amount of their compensation should be carefully defined and limited.

Manner of Determining Population.

Another matter that may be mentioned in this connection is that heretofore the amounts that the various officers in different counties may retain has been

graduated and fixed according to the Federal census, which is taken every ten years. In certain instances this has resulted in some inconsistency on account of the fact that the population has greatly increased during the ten-year period over which the census is taken. In such cases, even though the population might be large, the amount of compensation would be on the same basis as a smaller county. On the other side, population could decrease in the ten years and officers draw the same salary as they did with the larger population. We think that the law should be changed and the amount of fees that may be retained by the various officers should be based on the scholastic population of the county, or rather the actual population estimated by using the scholastic population of the county as a basis. We believe that the population of each county should be calculated by taking the annual scholastic population of the county, as certified by the State Superintendent of Public Instruction, and multiplying it by four. This method will produce, in our judgment, a more equitable basis for fixing the amount of compensation of the various officers.

Salary During Incumbency Only.

We find that under present laws, even after an official's tenure of office has expired, he may still draw compensation, and in some instances this has been true for many years after the incumbent retires from office. One officer in particular is drawing pay now for services rendered in the year 1892. Another county official, who is now holding office and who may go out of office at the end of this term, last year, in addition to the pay for this present office, received as compensation \$900 for services performed in another office during prior years. We do not believe that this situation should exist, under the law. We recommend that the law be so fixed that an officer has no right in fees for prior years. In other words, the law should be such that an officer is not entitled to fees unless the same are actually collected during his incumbency.

Delinquent Taxes.

Your committee finds that our present system of collecting taxes, especially delinquent taxes, needs many amendments. The present system is costing the taxpayers too much. For instance, some counties are paying abstractors as high as 75 cents per tract to furnish the names of owners and lien holders of

land needed in the preparation of suits for delinquent taxes, while other counties are getting this service for as low as 20 cents per tract. This service is needed, but only a reasonable price for same should be paid.

Notice to Be Mailed Before Suit.

We find that the law recently passed requiring the mailing out of notices in connection with delinquent tax suits is not specific as to when such notices should be mailed. In many instances they have been mailed after suit has been brought and citation issued and served. The law allows the district or county attorney 50 cents for the mailing of each of these notices. This law should be amended so as to require notices to be mailed at least thirty days before the suit is filed, and if the taxes are paid prior to the expiration of this thirty days, no costs should accrue except said 50 cents and such as accrued prior to the sending out of the notices.

District Clerk Fees.

Your committee finds that at a recent session the Legislature passed a law allowing district clerks the same costs in delinquent tax suits as are allowed in other civil suits. In many instances, the amount of costs, under present laws, may be greater and out of proportion to the amount of the tax sued for. In a suit for \$5 in taxes, the costs of suit due the district clerk alone may amount to more than the amount of taxes sued for. We think a law should be passed limiting the amount of costs in delinquent tax suits to a maximum of \$3 in any one suit for fees to district clerk.

Delinquent Tax Contracts.

The Legislature should give serious consideration and attention to the practice of making contracts for the collection of delinquent taxes. We find that under the present law, commissioners courts are contracting with individuals and corporations to collect delinquent State and county taxes. This is under the theory that the county attorney or district attorney cannot or will not collect them. The suits are filed in the name of the county or district attorney, and must be so filed, under the law, but such officer does none of the work. He, nevertheless, gets his fees as though he had done the work, and in addition thereto, they are paying other individuals as high as 33 1-3 per cent of delinquent taxes to get this work done.

This includes both State and county taxes. In one county where there are delinquent taxes due, amounting to not less than \$2,000,000, the commissioners court is paying 33 1-3 per cent under one of these contracts, and the officials tell us that it will be no trouble to collect a million dollars in delinquent taxes in this county, which would make a commission due the holder of the contract of \$333,333. We consider this an outrage which should be stopped. We are of the opinion that if permitted to make contracts at all, the commission allowed should not, in any event, exceed 10 per cent of the amount actually collected, and even in such cases, the contract should be let on competitive bidding and if such a contract is awarded, the county attorney or the district attorney, as the case may be, should not be permitted to receive any fees of office in connection with such work. This is on the theory that the county or district attorney will not do the work, and, therefore, should not receive the pay.

We are of the opinion that only in the event the county or district attorney fails to make the collections, should these contracts be entered into and even where a contract is made, the maximum percentage, as above stated, should be 10 per cent of the actual amount collected, and said contract should be approved by the Attorney General.

In our opinion, this year the amount of State taxes, alone, given away by commissioners courts over and above a reasonable compensation (10 per cent) will be not less than a half million dollars, and the amount may reach as high as a million dollars. In other words, the State will lose under these extravagant contracts probably as much as one-half million dollars over and above what would be a reasonable compensation for collecting delinquent taxes, in the opinion of this committee.

Making of Plat and Map System.

We find that in a number of counties commissioners courts are having what are known as maps and plats of surveys made with proper descriptions of lands. These are in connection with collection of taxes. We find that this work, in one county, has cost the county around \$65,000, and we find that the man who had the contract sent a man receiving \$200 per month to do the actual work

and he hired two stenographers to work for him, the contractor doing none of the work himself, and all of this work was done in less than a year and a half. While doing this work the same persons collected city taxes for the city and received 10 per cent on city collections.

We find that in another county of practically the same size, the same kind of a map and plat system was furnished and prepared for less than \$3,000.

We are of the opinion that the law should place a limit on the amount that can be paid for this class of work. We find that under the present conditions, in some counties, the amounts that have been paid under contracts are such that men holding such contracts made unreasonable profits.

Transferring of Constitutional Funds.

In visiting the various counties, your committee has also found that the law and the Constitution are being violated in reference to what are known as constitutional funds of the various counties. In other words, the Constitution limits the amount of taxes that may be levied for general county purposes, road and bridge purposes, jury purposes and permanent improvements. Under the Constitution, as construed by the Supreme Court, these funds cannot be transferred from one fund to another, and the moneys constituting one fund cannot be used for any other purpose. Notwithstanding this, it is the practice of the commissioners courts of certain counties to levy taxes up to the constitutional limit for the various purposes above mentioned, and then if the entire amount is not used, the surplus is transferred to another fund and used for other purposes. We recommend that a law be enacted prescribing an adequate penalty that may be assessed against commissioners courts that may be sufficient to stop this practice.

In such of the counties visited your committee was extended every courtesy and the cheerful co-operation on the part of the local citizens, the press and county officials appearing before us. Many of our fellow-colleagues in the Legislature assisted and took part in our work as we visited their respective districts.

The Governor, Lieutenant Governor and the Speaker of the House, and the various State departments in the Capitol, stood ready, willing and anxious at all times, and did render your committee

valuable aid and assistance, for which we extend our sincere thanks.

Respectfully submitted,

Members appointed from the Senate:
(Signed) PINK L. PARRISH,
WALTER WOODUL.

Members appointed from the House:
GEORGE C. PURL,
CARL ROUNTREE,
JACK KELLER.

On motion of Mr. Baldwin, the report was ordered printed in the Journal.

INVITATION TO ATTEND SHRINE DANCE.

The Speaker laid before the House and had read the following communication:

Please announce that a reception and ball will be given on the Stephen F. Austin roof tonight (Tuesday) at 9 o'clock by the Shrine, in honor of the newly-elected Potentate. Governor and Mrs. Moody will lead the grand march, and all Shriners of the House and their ladies are cordially invited to attend.

RELATING TO PENITENTIARY MATTER.

Mr. Beck made the following motion:

I move that the House recall from committee House bills Nos. 1, 2, 3, 5, and 8, for the purpose of considering the penitentiary matter in a Committee of the Whole.

Mr. Kemble moved the previous question on the motion by Mr. Beck, and the main question was ordered.

Question then recurring on the motion by Mr. Beck, it prevailed.

Mr. Beck offered the following motion:

I move that the House of Representatives resolve itself into a Committee of the Whole for the purpose of considering the penitentiary matter.

The motion prevailed by the following vote:

Yeas—85.

Acker.	Conway.
Ackerman.	Cox of Lamar.
Adkins.	Davis.
Allred.	DeWolfe.
Baker.	Dunlap.
Baldwin.	Enderby.
Beck.	Farrar.
Bond.	Forbes.
Bounds.	Fuchs.
Bradley.	Gilbert.
Brooks.	Graves
Chastain.	of Williamson.
Coltrin.	Graves of Erath.

Hardy.	Negley.
Harding.	Olsen.
Harper.	O'Neill.
Heaton.	Patterson.
Hines.	Petsch.
Hogg.	Pope of Nueces.
Holder.	Prendergast.
Hubbard.	Purl.
Johnson	Quinn.
of Dallam.	Ray.
Johnson of Smith.	Reid.
Jones.	Richardson.
Justiss.	Riley.
Kayton.	Rogers.
Keeton.	Rountree.
Kemble.	Sanders.
Kincaid.	Savage.
Lee.	Shaver.
Magee.	Simmons.
Mankin.	Sinks.
Marks.	Stevenson.
Mauritz.	Storey.
Maynard.	Turner.
McCombs.	Van Zandt.
McDonald.	Veatch.
McGill.	Walters.
Mehl.	Webb.
Minor.	Williams
Morse.	of Sabine.
Mullally.	Williams
Murphy.	of Hardin.

Nays—20.

Bateman.	Palmer.
Brice.	Pool.
Eickenroht.	Renfro.
Gates.	Sherrill.
Giles.	Stephens.
Harman.	Tarwater.
Keller.	Waddell.
Kennedy.	Wiggs.
King.	Williams
Land.	of Travis.
Metcalfe.	

Present—Not Voting.

Warwick.

Absent.

Mr. Speaker.	Lemens.
Barnett.	Long of Houston.
Carpenter.	Long of Wichita.
Cox of Limestone.	Loy.
Harrison.	Montgomery.
Hefley.	Moore.
Hopkins.	Nicholson.
Hornaday.	Pavlica.
Johnson	Reader.
of Dimmit.	Thompson.
Johnson of Scurry.	Young.
Kinnear.	

Absent—Excused.

Albritton.	Avis.
Anderson.	Duvall.

Ewing.	Shelton.
Finn.	Snelgrove.
Finlay.	Speck.
Jenkins.	Strong.
Kenyon.	Tillotson.
Martin.	Wallace.
McKean.	West.
Mosely.	Westbrook.
Pope of Jones.	Woodruff.

COMMITTEE OF THE WHOLE HOUSE.

In accordance with the above action, the House at 11:45 o'clock a. m. resolved itself into a Committee of the Whole House, Mr. Holder being called to the chair.

(In Committee of the Whole House. Speaker Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

Speaker Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave to sit again at 2 o'clock p. m. today.

The House adopted the report.

BILLS RE-REFERRED.

On motion of Mr. McCombs, House bills Nos. 1, 2, 3, 5 and 8 were withdrawn from the Committee on Penitentiaries and referred to the Committee of the Whole House.

RECESS.

On motion of Mr. McCombs, the House, at 12 o'clock m., took recess to 1:59 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 1:59 o'clock p. m. and was called to order by the Speaker.

COMMITTEE OF THE WHOLE HOUSE.

(Mr. Barron in the chair.)

On motion of Mr. Beck, the House, at 2 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

(In Committee of the Whole House. Speaker Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

Mr. Barron, Chairman of the Com-

mittee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at 10 o'clock a. m. tomorrow.

The House adopted the report.

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 12, Expressing gratitude to Brigadier-General Wolters for military service.

H. C. R. No. 6, Relating to the Confederate soldiers' pensions.

RECESS.

On motion of Mr. Purl, the House, at 5:40 o'clock p. m., took recess to 9:50 o'clock a. m. tomorrow.

SIXTH DAY.

(Continued.)

(Wednesday, January 29, 1930.)

The House met at 9:50 o'clock a. m. and was called to order by Speaker Barron.

COMMITTEE OF THE WHOLE HOUSE.

On motion of Mr. Forbes, the House, at 10 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

(In Committee of the Whole House. Mr. Barron in the chair.)

IN THE HOUSE.

(Mr. Barron in the chair.)

At 12:30 o'clock p. m. Mr. Barron, Chairman of the Committee of the Whole, reported to the House that the Committee desired to rise, report progress, and ask leave of the House to sit again at 2:30 o'clock p. m. today.

The House adopted the report.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 29, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to